

ton, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Delicious Brand Peanut Butter."

On June 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3610. Adulteration of peanut butter. U. S. v. 39 Cases, 39 Cases, 24 Cases, and 18 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 7086, 7134. Sample Nos. 83380-E, 83885-E to 83887-E, incl.)

Insect fragments, rodent hairs, rodent excreta, and dirt were found in samples taken from these lots of peanut butter.

On March 25 and April 6, 1942, the United States attorney for the Eastern District of Louisiana filed libels against 39 cases each containing 24 12-ounce jars, 39 cases each containing 24 12-ounce jars, 24 cases each containing 12 1½-pound jars, and 18 cases of which 10 each contained 24 8-ounce jars, and 8 each contained 24 1-pound jars, of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 9, 11, and 19, 1942, by Sessions Co., Inc., from Enterprise, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Goldcraft Peanut Butter."

On May 21 and July 3, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

OILS AND FATS

3611. Adulteration and misbranding of oil. U. S. v. John Lucci (Roma Oil Packing Co.). Plea of guilty. Fine of \$100 on count 1. Sentence suspended on remaining counts. (F. D. C. No. 3564. Sample Nos. 33950-E, 33951-E, 33952-E.)

Analysis showed that this product was cottonseed oil, artificially colored and flavored to simulate olive oil.

On February 13, 1942, the United States attorney for the Eastern District of New York filed an information against John Lucci, trading as the Roma Oil Packing Co., Brooklyn, N. Y., alleging shipment on or about January 31, 1941, from the State of New York into the State of New Jersey of quantities of oil that was adulterated and misbranded. The article was labeled in part: "Prodotto Garantito Extra Fine Oil Sopraffino Brand."

The article was alleged to be adulterated in that artificial flavoring and artificial coloring had been added thereto or mixed or packed therewith, so as to make it appear better or of greater value than it was; and in that it contained a coal-tar color other than one from a batch that had been certified by law.

The article was alleged to be misbranded: (1) In that the statements in the labeling, "L'Olio * * * Extra Fina Insuperabile," "Prodotto Garantito," "Fine Oil," and "Sopraffino," were false and misleading since they conveyed the impression that the food was imported Italian olive oil; whereas the food was not imported Italian olive oil but was domestic cottonseed oil artificially colored and flavored to simulate olive oil. (2) In that it was an imitation of another food, namely, olive oil, and its label did not bear in type of uniform size and prominence the word "imitation," and immediately thereafter, the name of the food imitated. (3) In that it did not bear a label containing the name and place of business of the manufacturer, packer, or distributor. (4) In that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient. (5) In that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact. (6) In that the information required by or under authority of law to appear on the label or labeling was not prominently placed thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use in that the label bore statements in a foreign language, namely, Italian, and the information required by law to appear on the label did not appear thereon in said foreign language.

On June 9, 1942, a plea of guilty having been entered by the defendant to counts 1, 2, and 3, the court imposed a fine of \$100 on count 1, suspended sentence on the remaining 2 counts, and placed defendant on probation for 1 year.